

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

RPOST HOLDINGS, INC., RPOST §
COMMUNICATIONS LIMITED, RMAIL §
LIMITED, §

Plaintiffs, §

v. §

EPSILON DATA MANAGEMENT, LLC, §

Defendant. §

**CIVIL ACTION NO. 2:12-CV-00511-JRG
LEAD CASE**

RPOST HOLDINGS INC, RPOST §
COMMUNICATIONS LIMITED, RMAIL §
LIMITED, §

Plaintiffs, §

v. §

EXPERIAN MARKETING SOLUTIONS, §
INC., §

Defendant. §

**CIVIL ACTION NO. 2:12-CV-00513-JRG
Consolidated Member Case**

RPOST HOLDINGS, INC., RPOST §
COMMUNICATIONS LIMITED, RMAIL §
LIMITED, §

Plaintiffs, §

v. §

VOCUS, INC., §

Defendant. §

**CIVIL ACTION NO. 2:12-CV-00516-JRG
Consolidated Member Case**

ORDER

Before the Court is Defendants' Opposed Motion to Dismiss with Prejudice (Dkt. No. 127)
(“the Motion”).

I. BACKGROUND

Plaintiffs RPost Holdings, Inc. and RPost Communications Ltd (collectively, “RPost” or “Plaintiffs”) brought suit individually against Epsilon Data Management, LLC (“Epsilon”), Experian Marketing Solutions, Inc. (“Experian”), and Vocus, Inc. (“Vocus”) (collectively, “Defendants”) on August 24, 2012 for infringement of United States Patent Nos. 6,182,219 (“the ’219 Patent”), 7,966,372 (“the ’372 Patent”), 8,161,104 (“the ’104 Patent”), 8,209,389 (“the ’389 Patent”), and 8,224,913 (“the ’913 Patent”).

On August 23, 2013, RPost served its infringement contentions in each case, asserting Claims 1 and 27 of the ’104 Patent, Claims 7, 14, and 15 of the ’389 Patent, Claims 1 and 2 of the ’913 Patent, and dropping its assertion of the ’219 and ’372 Patents.

On August 30, 2013, RPost filed a First Amended Complaint in the *Experian* case, dropping its infringement claims relating to the ’219 and ’372 Patents. The same day, Epsilon moved to stay the litigation. Experian filed a similar motion on September 2, 2013.

On September 6, 2013, the Court consolidated the three actions.

On September 13, 2013, RPost filed First Amended Complaints in the *Expsilon* and *Vocus* cases.

On September 21, 2014, RPost filed Second Amended Complaints in all three cases, asserting the ’104, ’389, and ’913 Patents.

On January 30, 2014, the Court stayed all three cases.

On June 7, 2016, Judge Teilborg of the United States District Court for the District of Arizona issued an order invalidating, among others, each of the remaining asserted claims in these consolidated cases. The Federal Circuit affirmed the decision on May 5, 2017 and denied the


petition for rehearing on August 8, 2017. The Supreme Court denied the petition for certiorari on December 11, 2017.

On January 19, 2018, Defendants filed the instant Motion to dismiss all of Plaintiffs' claims with prejudice.

II. CONCLUSION

The Parties agree that the asserted claims should be dismissed with prejudice. (Dkt. No. 127 at 1–2 (“[A]ll of the asserted claims of the patents-in-suit have been invalidated and Plaintiff has exhausted its appeals. Accordingly, the Court should dismiss all of Plaintiff’s claims with prejudice.”); Dkt. No. 135 at 7 (“RPost agrees to the dismissal of the asserted claims with prejudice.”).)¹ Accordingly, the Court **GRANTS** the Motion and **ORDERS** that all claims before the Court are **DISMISSED WITH PREJUDICE**. Each party shall bear its own attorneys’ fees and costs.

So ORDERED and SIGNED this 3rd day of July, 2018.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

¹ The Parties dispute whether the unasserted claims should be dismissed with prejudice. The unasserted claims not being before this Court, the Court declines to consider such claims.